

IN THE CIRCUIT COURT OF POPE COUNTY, ARKANSAS

M.S. WHOLESALE PLUMBING, INC. on )  
behalf of itself and all other entities and )  
persons similarly situated, )  
Plaintiffs, ) CASE NO. 58CV-15-442  
vs. ) JURY DEMAND  
WESTERN FINANCIAL, LLC individually )  
and d/b/a COMMUNITY BANK CAPITAL, )  
also d/b/a COLONIAL FINANCE and also d/b/a )  
other fictitious names; WESTFAX, INC; and )  
JOHN DOES 1-10, intending to refer to those )  
persons, corporations or other legal entities that acted )  
as agents, Consultants, independent contractors or )  
Representatives of the named Defendants. )  
Defendants. )  
vs. )  
WELLS FARGO BANK, N.A. )  
Garnishee )

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**GENERAL JUDGMENT AGAINST BANK GARNISHEE**

Comes now the Court on the Writ of Garnishment issued by the Clerk of this Court on April 16, 2019 in the above styled matter to Garnishee Wells Fargo Bank, N.A. (hereafter "the Writ"). The Court finds the Writ was served and noticed in the manner and form required by law and is evidenced by an Affidavits of Service filed with this Court on April 23, 2019 and May 6, 2019. The Court finds Garnishee has failed to file any valid Answer to the Writ as:

- (i.) the pleading ostensibly filed on May 3, 2019 by Wells Fargo, is a legal nullity as it is well-established that banks cannot represent themselves or file pro-se pleadings in the courts of this state;
- (ii.) said filing is untimely even as related to the prior writ served on Wells Fargo on April 18, 2019 to which it purports to respond;
- (iii.) said filing is not made under oath as required by law;
- (iv.) said filing is not even addressed to the Writ issued by the Clerk of this court but to Plaintiff's independently issued allegations and interrogatories; and
- (v.) as of the date of this Order there has been no attempted Answer at all to the writ issued by this Court on April 16, 2019;
- (vi.) Garnishee has otherwise failed or refused to comply with its obligations under Arkansas law regarding answering the Writ in virtually every respect.

Accordingly, the Court hereby enters a General Garnishee Judgment against Garnishee, Wells Fargo Bank, N.A. pursuant to A.C.A. 16-110-406, for the costs of the garnishment and for the full amount specified in Plaintiff's Judgment against the original Defendant, not exceeding the amount or value in which at the time served and thereafter up to and including the filing of a valid Answer to the Writ, the Garnishee was indebted or had in its hands or possession, goods, chattels, monies, credits and effects belonging to the original Defendant. Pursuant to A.C.A. 16-110-406, the specific amount of the foregoing judgment shall be determined by this Court at an evidentiary hearing to be held on June 25, 2019 at 9:00 a.m./p.m., in furtherance of which Plaintiffs are hereby authorized to issue interrogatories, requests for production, and/or requests for admissions

forthwith to said Garnishee in the manner and form called for by the Arkansas Rules of Civil Procedure and to offer the same at the hearing as the evidentiary basis for the specific judgment amount to be entered by this Court.

**IT IS SO ORDERED.**

Dennis C. Sutterfield  
HON. DENNIS C. SUTTERFIELD  
CIRCUIT COURT JUDGE  
DATED: 05/20/19